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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 STRIKE 3 HOLDINGS, LLC,
12 Plaintiff,

13 vs.

14 JOHN DOE subscriber assigned IP address
68.96.116.185,
15 Defendant.
16

Case Number: 2:18-cv-02324-JAD-PAL

**STRIKE 3 HOLDINGS, LLC'S
EX-PARTE APPLICATION FOR
EXTENSION OF TIME WITHIN WHICH
TO EFFECTUATE SERVICE
ON JOHN DOE DEFENDANT**

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18 Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), makes
19 this ex-parte application for entry of an order extending the time within which to effectuate
20 service on John Doe Defendant, and states:

21 1. This is a copyright infringement case against a John Doe Defendant known to
22 Plaintiff only by an IP address. Defendant's true identity is known by their Internet service
23 provider ("ISP").

24 2. On January 18, 2019, Plaintiff was granted leave to serve a third party subpoena
25 on Defendant's ISP to obtain the Defendant's identifying information [CM/ECF 6]. Plaintiff
26 issued the subpoena on or about January 28, 2019 and received the ISP's response on or about
27 February 28, 2019.
28

3. Plaintiff is currently conducting a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action prior to attempting to effect service of process on that individual.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than March 6, 2019.

5. Plaintiff respectfully requests that the time within which it has to effect service of the summons and Complaint on Defendant be extended an additional fifty (50) days, and thus the deadline to effect service be extended to April 25, 2019. This extension should allow Plaintiff sufficient time to conclude its investigation, amend the complaint and effect service on the appropriate defendant.

6. This application is made in good faith and not for the purpose of undue delay.

7. This is Plaintiff's first request for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until April 25, 2019. A proposed order is attached for the Court's convenience.

Dated this 5th day of March, 2019.

FOX ROTHSCCHILD LLP

By: /s/ *Kevin M. Sutehall*
 KEVIN M. SUTEHALL (9437)
 MARK J. CONNOT (10010)

Attorney for Plaintiff Strike 3 Holdings, LLC

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8 **UNITED STATES DISTRICT COURT**
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12 vs.

13 JOHN DOE subscriber assigned IP address
14 68.96.116.185,
15 Defendant.

Case Number: 2:18-cv-02324-JAD-PAL

**[PROPOSED] ORDER ON PLAINTIFF'S
EX-PARTE APPLICATION FOR
EXTENSION OF TIME WITHIN WHICH
TO EFFECTUATE SERVICE
ON JOHN DOE DEFENDANT**

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17 THIS CAUSE came before the Court upon Plaintiff's ex-parte application for entry of
18 an Order extending the time within which to effectuate service on John Doe Defendant with a
19 summons and Complaint, and the Court being duly advised in the premises does hereby:

20 ORDER AND ADJUDGE: Plaintiff's application is granted. Plaintiff shall have until
21 April 25, 2019 to effectuate service of a summons and Complaint on Defendant.

22
23 **IT IS SO ORDERED.**

24 
25 **UNITED STATES MAGISTRATE JUDGE**

26 **DATED:** March 11, 2019
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